उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....M.A.(C) 822.... सन् 2007

(20)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Misc. Appeal (C) No.822/2007

APPELLANT/ CLAIMANT : Ramswarup Yadav,
S/o Tanagu Yadav,
Aged about 30 years,
R/o Sankra Tehsil Berla,
District Durg (C.G.)
Present Address Near Shitla Mandir,
Tatibandh Raipur, C.G.

Versus

RESPONDENTS : 1. Aswani Kumar,
S/o Shatrughan Lal Pandey,
Aged about 28 years,
R/o Sankra Tehsil Berla, District Durg (C.G.) (Driver of Tractor bearing Regd. No. M.P. 23 G/1091 (New Regd. No.CG 04 ZQ 5412)

2. Chunilal,
S/o Khubchand Dewangan,
Aged years (Age not mentioned)
R/o Sankra Tehsil Berla,
District Durg (C.G.)
(Owner of Tractor bearing Regd. No. M.P. 23 G/1091 (New Regd. No. CG 04 ZQ 5412)

{Appeal under Section 173 of Motor Vehicle Act}

DIVISION BENCH -:

HON'BLE SHRI L.C. BHADOO, J, &
HON'BLE SHRI SUNIL KUMAR SINHA, J.

GRPRJ –

d. Sentence Awarded : X

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

मामला क्रमांक M.A.(C)-824/2007 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

ORAL ORDER
(24.07.2007)

L.C. Bhadoo, J:-

Shri Satyendra Sahu, Counsel for the appellant.

Heard.

The appellant being aggrieved by the award dated 24/3/2007, has preferred this appeal, whereby, the learned Eighth Additional Motor Accidents Claims Tribunal (FTC), Raipur , while deciding the Claim Petition of the appellant herein, awarded an amount of Rs.98,000/-. It has been further ordered that the appellant shall be entitled for interest @ 7.5% p.a. w.e.f. 16.6.2006 i.e. from the date of application. This award of Rs.98,000/- has been passed by the Claims Tribunal under the following heads :

(1) Rs.50,000/- towards treatment,

(2) Rs.10,000/- towards loss of income,

(3) Rs.10,000/- towards pains and sufferings,

(4) Rs.2000/- towards diet,

(5) Rs.2000/- for the attendant and;

(6) Rs.1000/- towards transportation charges.

Learned counsel for the appellant submits that for future treatment i.e. for removal of iron rod from his leg, no amount has been awarded.

We have perused the order.

The appellant has not mentioned anything in this memo of appeal that in the Claim Petition itself, he claimed the amount for removal of iron rod, which has been rejected. Therefore, there was

d. Sentence

X

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(22)

मामला क्रमांक M.A.(C)-822/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

no specific pleading, claiming the amount for removal of iron rod. Apart from that, the appellant has not adduced any evidence or produced any certificate or document to show that the iron rod was required to be removed and how much expenses are to be incurred for removing it.

After going through the award, the nature of injury sustained and medical treatment received by the appellant, we are of the considered opinion that the amount awarded by the Tribunal is just and reasonable in all respects. Besides this, there is also delay of 25 days in filing this appeal and no sufficient and reasonable cause has been shown for condonation of delay in filing the appeal.

Therefore, for the foregoing reasons, we are of the considered opinion that the appellant has not been able to make a case for enhancement of the compensation amount.

In view of the above, this appeal is dismissed on the ground of limitation as well as on merits.

Sd/-
L.C. Bhadoo
Judge

Sd/-
Sunil Kumar Sinha
Judge

Thyna